

REMARKS

By this response, claims 3-8 are canceled and a Declaration under 37 CFR 1.132 is submitted to place this application in condition for allowance. Currently, claims 1 and 2 are before the Examiner for consideration on its merits.

It is noted that the PTO-326 indicates that claims 1-5 are rejected. However, this application was filed with six (6) original claims, and a preliminary amendment was submitted revising claim 6 and adding new claims 7 and 8 to account for the deletion of the multiple dependency in claim 6 as filed. A copy of the as-filed preliminary amendment and post card receipt are included herewith for verification of the current status of the claims prior to this amendment.

On the basis that claims 1-8 are pending in this application, claims 3-8 have been canceled since non-addressed claims 6-8 are dependent on canceled method claim 3. The cancellation of claims 3-8 moots the obviousness-type double patenting rejection.

Moreover, the submission of the aforementioned Declaration moots the rejection of claims 1 and 2 under 35 U.S.C. § 102(e) and United States Published Patent Application No. 2004/018700 to Natsume et al (the Natsume publication). In the Office Action, the Examiner alleged that the invention of claims 1 and 2 was disclosed in the Natsume publication. The Examiner also indicated that this rejection could be overcome by the filing of a Declaration evidencing the fact that the disclosure found in the Natsume publication was derived from an inventor of this application so that the Natsume publication did not qualify as an invention of another.

The attached Declaration shows that an inventor of the instant application, i.e., Yoshitake Natusme, is responsible for the disclosure of the Natsume publication relating to

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a method of making a SiO object via sintering. In accordance with the Examiner's indication in the Office Action, submission of this Declaration is effective to remove the Natsume publication as prior art against claims 1 and 2.

In light of the cancellation of claims 3-8 and submission of the above-described Declaration, claims 1 and 2 are now in condition for allowance.

Accordingly, the Examiner is respectfully requested to examine this application in light of this Amendment, and pass claims 1 and 2 onto issuance.

If the Examiner believes that an interview with Applicants attorney would expedite prosecution of this application, the Examiner is requested to telephone the undersigned at 202-835-1753.

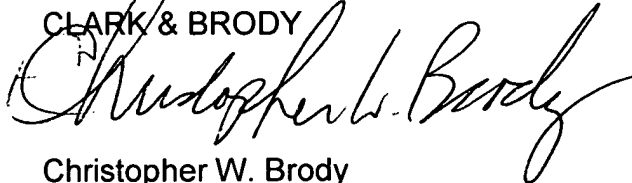
The above constitutes a complete response to all issues raised in the Office Action dated December 6, 2005.

Again, reconsideration and allowance of this application is respectfully requested.

Please charge any fee deficiency or credit any overpayment to Deposit Account No. 50-1088.

Respectfully submitted,

CLARK & BRODY

A handwritten signature in black ink, appearing to read "Christopher W. Brody", written over the printed name and registration number.

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Docket No.: 12054-0027
Date: February 24, 2006